

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ERIC JEAN BAPTISTE

Plaintiff

-against-

CITY OF NEW YORK, and POLICE
OFFICERS JOHN DOE # 1 through
JOHN DOE # 9, all of the
NEW YORK CITY POLICE DEPARTMENT

Defendant(s),

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COMPLAINT

AND JURY DEMAND

No. 24-CV-798

PRELIMINARY STATEMENT

1. This is an action for monetary damages (compensatory and punitive) against CITY OF NEW YORK, and POLICE OFFICER JOHN DOE #1 (“JOHN DOE #1”) through POLICE OFFICER JOHN DOE # 9 (“JOHN DOE # 9”), of the New York City Police Department (“NYPD”), arising out of the false arrest, false imprisonment, assault and battery and use of excessive force against ERIC JEAN BAPTISTE (“Plaintiff”).

2. On or about December 22, 2021, JOHN DOE #1 through JOHN DOE #9, all members of the NYPD, acting under the color of state law, intentionally and willfully subjected plaintiff to, *inter alia*, false arrest, false imprisonment and detention assault and battery and use of excessive force, for acts of which plaintiff was innocent. This unconstitutional and unreasonable seizure of the plaintiff and his property was in violation of plaintiff’s rights under the Fourth and Fourteenth Amendments of the United States Constitution.

3. The Plaintiff, through his attorneys, complaining of the defendants, respectfully alleges:

JURISDICTION

4. This action is brought under 28 U.S.C. §§ 1331 and 1343, 42 U.S.C. §§ 1983, 1985 and 1988 and the Fourth, Fifth and Fifteenth Amendments to the Constitution of the United States. Pendant Jurisdiction, pendant party jurisdiction, and supplementary jurisdiction over plaintiff's state law claims is asserted.

5. The amount in controversy exceeds \$75,000.00 excluding interest and costs.

6. Venue is laid within the United States District Court for the Eastern District of New York in that the claims alleged in the complaint occurred within the boundaries of the Eastern District of New York, particularly Kings County.

PARTIES

7. Plaintiff, at all times relevant hereto, resided in the City and State of New York, County of Kings.

8. That at all times hereinafter mentioned, and upon information and belief, the defendant, CITY OF NEW YORK, was at all times relevant hereto, a municipal corporation duly organized and existing under the laws, statutes and charters of the State of New York.

9. The NYPD was at all times relevant hereto, an agency of the defendant CITY OF NEW YORK.

10. That at all times hereinafter mentioned, and on information and belief, the defendants JOHN DOE #1 through JOHN DOE # 9 and other members of the NYPD, were at all times relevant hereto, employees of the defendant CITY OF NEW YORK, as police officers employed by the NYPD.

11. At all times mentioned herein, defendants were acting under color of state and local law, to wit, under color of statutes, ordinances, regulations, policies, customs and usages of CITY OF NEW YORK and the State of New York.

12. That at all times hereinafter mentioned, and upon information and belief, the individual defendants are named herein both personally and in their official representative capacities as police officers employed by the defendant, CITY

OF NEW YORK. And that each and all of the acts of the individual defendants alleged herein were done by the individual defendants and each of them under cover and pretense of the statutes and laws of the State of New York, and under and by virtue of their authority as police officers and employees of defendant, CITY OF NEW YORK.

13. That as a result of the foregoing, the defendant, CITY OF NEW YORK, is liable for the individual defendant's acts under to the doctrine of "respondeat superior."

FACTUAL ALLEGATIONS

14. On or about December 22, 2021, at approximately 11:00 a.m., plaintiff exited a cab in which he had been a passenger and walked to corner of Newkirk Avenue and Bedford Avenue, Brooklyn New York when he was approached by JOHN DOE # 1 through JOHN DOE #4 who had been in unmarked police vehicles and were dressed in plain clothes.

15. JOHN DOE #1 through JOHN DOE # 4, each with a hand on a pistol, commanded plaintiff to come over to them.

16. Plaintiff, not sure why he was being directed to come to JOHN DOE #1 through JOHN DOE #4 and not sure who they were, ignored their commands and continued walking away from them.

17. As plaintiff crossed Avenue D and Flatbush Avenue, he noticed that he was being followed by JOHN DOE # 1 through JOHN DOE # 4, and tried to get as far away from them as he could.

18. When plaintiff got to Avenue D and 23rd Street, another unmarked vehicle pulled up to plaintiff, and JOHN DOE #5 and JOHN DOE #6 exited the vehicle and told plaintiff to stop.

19. Since plaintiff had done nothing wrong, he kept walking.

20. Plaintiff turned around and went back to Avenue D and 23rd Street when another unmarked car pulled up to plaintiff, and JOHN DOE # 7 through JOHN DOE # 9 exited the vehicle, holding tasers, and told plaintiff to stop and get to the ground.

21. Defendants then threw plaintiff to the ground and told plaintiff, “Don’t move, don’t do nothing.”

22. While plaintiff was pinned to the ground, one of the defendants put his knee into plaintiff’s arm and another defendant put his knee into plaintiff’s right knee, another defendant punched plaintiff in the mouth, causing plaintiff to feel excruciating pain.

23. Although plaintiff complained that defendants were hurting him and that he believed that his arm was broken, the defendants ignored him.

24. Defendants recovered a bag of marijuana from plaintiff.

25. Plaintiff was handcuffed and taken to the 63rd precinct.

26. Because plaintiff was in excruciating pain and believed that his arm was seriously injured, he was taken from the 63rd precinct to Kings County Hospital by ambulance.

27. Plaintiff was then brought back to the 63rd precinct where he was then taken to central booking located at Kings County Criminal Court, 120 Schermerhorn Street, Brooklyn, New York 11201.

28. Plaintiff remained in custody for approximately 14 hours before being released without ever seeing a judge.

29. Soon after he was released from central booking, plaintiff, still feeling severe pain in his left arm, went for an MRI which revealed that the defendants had fractured and caused ligament tears to his left elbow.

30. As a result of his injury, plaintiff needed medical attention and physical therapy and was required to keep his arm in a sling.

31. To date, plaintiff still has pain in his left elbow that bothers him when he is trying to sleep and which limits his ability to do certain activities such as basketball, weightlifting, and lifting packages.

32. Plaintiff suffered physical pain, including injuries to his left elbow and a cut to his mouth, and cuts to his left hand, in addition to emotional distress, including nightmares, because of his arrest and detention.

33. Because of defendants' conduct, plaintiff was imprisoned, detained, restrained and held against his will and was unlawfully deprived of his liberty and property.

34. Defendants charged plaintiff with Resisting Arrest (PL § 205.30).

35. Plaintiff was never charged with a crime or any offense by the Kings County District Attorney's Office.

36. The arrest of the plaintiff was committed by the defendants without legal process and without probable cause.

37. Defendants acted maliciously and intentionally.

38. As a direct and proximate result of the acts of defendants, plaintiff suffered injuries including but not limited to, embarrassment, humiliation, emotional distress, loss of liberty and property as well physical injury that required plaintiff to seek medical attention.

FIRST CLAIM FOR RELIEF
(FALSE ARREST AND ILLEGAL IMPRISONMENT)

39. Paragraphs 1 through 38 are herein incorporated by reference.

40. Defendants JOHN DOE #1 through JOHN DOE #9 subjected plaintiff to false arrest, imprisonment, and deprivation of liberty without probable cause.

41. Defendants have deprived plaintiff of his civil, constitutional and statutory rights and have conspired to deprive him of such rights and are liable to plaintiff under 42 U.S.C. §§ 1983 and 1985 and the New York State Constitution.

42. As a result of the false arrest, imprisonment, and deprivation of liberty, plaintiff was damaged in the sum of Five Million (\$5,000,000.00) Dollars.

WHEREFORE, plaintiff demands judgment against the defendants, jointly and severally as follows:

A. In favor of the plaintiff in the amount of Five Million (\$5,000,000.00) Dollars;

B. Awarding plaintiff punitive damages in the amount of Five Million (\$5,000,000.00) Dollars;

C. Awarding plaintiff reasonable attorney's fees, costs and disbursements of this action; and

D. Granting such other and further relief as this Court deems just and proper.

SECOND CLAIM FOR RELIEF
(MUNICIPAL LIABILITY)

43. Paragraphs 1 through 42 are incorporated herein by reference.

44. Defendant CITY OF NEW YORK is liable for the damages suffered by the plaintiff as a result of the conduct of its employees, agents, and servants.

45. Defendant CITY OF NEW YORK knew or should have known of their employees', agents', or servants' propensity to engage in the illegal and wrongful acts detailed above.

46. Upon information and belief, defendants and their supervisors have in the past falsely arrested individuals without probable cause, and made, and allowed other fellow police officers to make false entries in official police department records to cover up and hide their wrongful conduct.

47. Defendant CITY OF NEW YORK has failed to take steps necessary to discipline, train, supervise or otherwise correct the improper, illegal conduct of the individual defendants in this and in similar cases involving misconduct.

48. Defendant CITY OF NEW YORK has damaged the plaintiff by its failure to properly supervise, train, discipline, review, remove, or correct the illegal and improper acts of its employees, agents or servants in this and in similar cases involving police misconduct.

49. Defendants subjected plaintiff to false arrest and false imprisonment.

50. Plaintiff has been damaged as a result of the wrongful, negligent and illegal acts of the defendant CITY OF NEW YORK in the amount of Five Million (\$5,000,000.00) Dollars.

WHEREFORE, plaintiff demands judgment against the defendants, jointly and severally as follows:

- A. In favor of the plaintiff in the amount of Five Million (\$5,000,000.00) Dollars;
- B. Awarding plaintiff punitive damages in the amount of Five Million (\$5,000,000.00) Dollars;
- C. Awarding plaintiff reasonable attorney's fees, costs and disbursements of this action; and
- D. Granting such other and further relief as this Court deems just and proper.

THIRD CLAIM FOR RELIEF
(FOURTH AMENDMENT)

- 51. Paragraphs 1 through 50 are incorporated herein by reference.
- 52. Defendant JOHN DOE # 1 through JOHN DOE # 9 arrested plaintiff subjecting him to false arrest, imprisonment and deprivation of liberty without probable cause.
- 53. That as a result of the foregoing, the plaintiff has been deprived of his following rights, privileges and immunities secured to him by the constitution and the laws of the United States: the right to be secure in his person and effects against unreasonable search and seizure under the Fourth and Fourteenth Amendments; the rights of the plaintiff not to be deprived of life, liberty or property without due process of law under the Fourth and Fourteenth Amendments; and the right to be free from a deprivation of his civil rights in violation of the statutes made and provided.
- 54. Plaintiff has been damaged as a result of the wrongful, negligent and illegal acts of the defendant CITY OF NEW YORK in the amount of Five Million (\$5,000,000.00) Dollars.

WHEREFORE, plaintiff demands judgment against the defendants, jointly and severally as follows:

- A. In favor of the plaintiff in the amount of Five Million (\$5,000,000.00) Dollars;

B. Awarding plaintiff punitive damages in the amount of Five Million (\$5,000,000.00) Dollars;

C. Awarding plaintiff reasonable attorney's fees, costs and disbursements of this action; and

D. Granting such other and further relief as this Court deems just and proper.

FOURTH CLAIM FOR RELIEF
(FOURTEENTH AMENDMENT)

55. Paragraphs 1 through 54 are incorporated herein by reference.

56. Defendants JOHN DOE # 1 through JOHN DOE # 9 illegally arrested plaintiff subjecting him to false arrest, imprisonment and deprivation of liberty without probable cause.

57. That as a result of the foregoing, the plaintiff has been deprived of his following rights, privileges and immunities secured to him by the constitution and the laws of the United States: the right to be secure in his person and effects against unreasonable search and seizure under the Fourth and Fourteenth Amendments; the rights of the plaintiff not to be deprived of life, liberty or property without due process of law under the Fourth and Fourteenth Amendments; and the right to be free from a deprivation of his civil rights in violation of the statutes made and provided.

58. Plaintiff has been damaged as a result of the wrongful, negligent and illegal acts of the defendant CITY OF NEW YORK in the amount of Five Million (\$5,000,000.00) Dollars.

WHEREFORE, plaintiff demands judgment against the defendants, jointly and severally as follows:

A. In favor of the plaintiff in the amount of Five Million (\$5,000,000.00) Dollars;

B. Awarding plaintiff punitive damages in the amount of Five Million (\$5,000,000.00) Dollars;

C. Awarding plaintiff reasonable attorney's fees, costs and disbursements of this action; and


D. Granting such other and further relief as this Court deems just and proper.

Jury Demand

Plaintiff demands a jury trial.

Dated: New York, New York
February 2, 2024

FINK & KATZ, PLLC.

By: 
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One of Plaintiff's Attorneys

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